USARAK MEDIATE PROGRAM

Managing Employment Disputes Involving Alternate Techniques

(A voluntary, efficient and effective option within the EEO discrimination complaint process)

U.S. Army Alaska (USARAK) and serviced tenant activities provide for an alternative dispute resolution (ADR) program to resolve EEO complaints. The program's primary goal is the early resolution of complaints through mediation, thus eliminating lengthy and costly administrative processing.

This method of resolution is designed to bring about a mutually satisfactory and lasting resolution, which assists in developing and maintaining a better work place for all.

I encourage your use of the MEDIATE Program as a means to resolve EEO Complaints at the earliest opportunity.

SANDRA H. MARTINEZ
USARAK EEO MANAGER

WHY MEDIATE?

- **Allows mutual resolution of problems.**
- **Encourages open communications**
- **Provides an impartial third party to assist those concerned**
- **Avoids lengthy, costly complaints processing**
- **Empowers employees and managers to concentrate on solutions.**
- **Results in improved work relationships**

FOR MORE INFORMATION, CONTACT THE USARAK EEO OFFICER, 384-2034

What is MEDIATE? The USARAK EEO MEDIATE Program offers mediation as one of our primary dispute resolution processes as an alternative way to resolve EEO complaints. There is no charge to the aggrieved person to participate in the MEDIATE Program.

What is mediation? Mediation involves the intervention of a neutral and impartial third party into the situation in question. The mediator assists in clarifying issues, identifying underlying causes, and arriving at appropriate remedies to resolve the matter. The mediator does not have the authority to impose a resolution on the parties, or issue a decision, but serves as a scribe to develop a settlement agreement. The mediator will protect the confidentiality of the process.

Who may participate? USARAK and serviced tenant activity employees, applicants for employment, former employees and certain contract employees who initiate an EEO complaint may choose to participate in MEDIATE. Participation is voluntary for both the aggrieved and management. The aggrieved may terminate mediation at any time.

Resolution Official: A management official who is authorized to engage in resolution discussions and execute settlement agreements. Personnel from the EEO, CPAC/CPOC, and SJA staffs will not be identified as Resolution Officials.

Mediator: A neutral, impartial third party who is trained in alternative dispute resolution techniques and has been trained as a mediator.

EEO Officer (EEOO): The EEOO reviews the issues raised, determines if MEDIATE will be offered and coordinates with commanders/managers to identify a Resolution Official. The EEOO coordinates the mediation and assists the mediator as appropriate.

When is MEDIATE initiated? The EEO Counselor undertakes the counseling inquiry under EEO procedures, providing initial information on MEDIATE along with a Rights and Responsibilities Notice. If MEDIATE is offered, the aggrieved person can choose to participate in the Program. The aggrieved must notify the EEO Officer within 3 days after the MEDIATE Program offer. If MEDIATE is declined, the EEO Counselor will continue with traditional EEO Counseling, conduct the final interview and issue the Notice of Right to File.

How does MEDIATE Work? If the aggrieved person chooses MEDIATE, the EEO Officer selects a mediator acceptable to both the parties and proceeds expeditiously to coordinate the mediation. By electing MEDIATE, the aggrieved authorizes an extension of the precomplaint period for up to 60 additional calendar days, if required. The mediator will explain how the mediation session will be conducted and once the session is initiated it should be conducted within one day. If the involved parties are able to reach an agreement, the mediator will prepare a settlement agreement, subject to coordination with the appropriate management officials. If any issues are not settled through MEDIATE, the mediator will notify the EEOO so the complaint process may resume.